

Subject: LINDSTRAND (model LBL 120A) - registered SE-ZOU, on 10/05/2016, at Nynäs Fallet, Örebro County - Sweden

Reply to Safety Recommendation SWED-2017-011 received on 02/06/2017

<p>Safety Recommendation:</p>	<p>EASA is recommended to:</p> <ul style="list-style-type: none"> • Consider introducing time margins between planned landing time and significant weather conditions. (RL 2017:06 R1)
<p>Response:</p>	<p>EASA Opinion No 01/2016 'Revision of the European operational rules for balloons' (hereinafter referred to as the 'Balloon' Opinion), stemming from EASA Rulemaking Task RMT.0674, was published on 7 January 2016. The specific objective is to establish a simpler, 'lighter' and proportionate air operations regulatory framework for balloon operations. The final deliverable, a 'Balloon Regulation', is anticipated to be published in the first quarter of 2018 (applicable from 8 April 2019). National legislation applies in the meantime.</p> <p>The 'Balloon' Opinion includes a proposal to ensure that the latest available meteorological information indicates that the weather conditions along the route and at the intended destination at the estimated time of use will be at or above the applicable Visual Flight Rules operating minima, and within the meteorological limitations specified in the Aircraft Flight Manual (BOP.BAS.145). Before commencing the flight, the pilot-in-command will be required to be familiar with available meteorological and aeronautical information appropriate to the intended flight, and to study the available current weather reports and forecasts, and to plan for an alternative course of action in case the flight cannot be completed as initially planned (BOP.BAS.130).</p> <p>In addition, for commercial operations, the operator will be required to identify and evaluate safety hazards entailed by their activities and manage the associated risks, and take actions to mitigate the risk and verify their effectiveness [BOP.ADD.030 (a)(3)]. The operator will be required to establish procedures and instructions for the safe operation of each balloon type, containing crew member duties and responsibilities [BOP.ADD.005 (e)]. This should include details of the pilot-in-command's responsibility to obtain and assess weather forecasts, and to take into account the predicted weather at the planned time and place of landing with suitable margins to address possible changes.</p> <p>Furthermore, the competent authority will be required to verify continued compliance with the applicable requirements of organisations from whom it has received a declaration (ARO.GEN.300 (a) of Commission Regulation (EU) No 965/2012, applicable for commercial balloon operations from 8 April 2019).</p>

	<p>Effective implementation of the above-mentioned provisions is expected to provide the foundation for safe balloon operations. The Agency considers that the risk of operating outside meteorological limitations is suitably addressed, and that more detailed rules concerning the assessment of weather conditions would not support the objective of the 'Balloon' Opinion, which is to provide a simpler, 'lighter' and proportionate regulatory framework for balloon operations.</p>
	<p>Lastly, the Agency has in place a Safety Risk Management process, which, through routine monitoring based on data analysis, aims to identify any weaknesses in the regulatory framework, in order to take appropriate action to close any safety gaps. This will include the balloon air operations regulation once it becomes applicable.</p>
Status:	Closed – Partial agreement

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Subject: LINDSTRAND (model LBL 120A) - registered SE-ZOU, on 10/05/2016, at Nynäs Fallet, Örebro County - Sweden

Reply to Safety Recommendation SWED-2017-012 received on 02/06/2017

Safety	EASA is recommended to:
Recommendation:	<ul style="list-style-type: none"> • Consider introducing requirements for safety harness or other restraint systems for all types of balloons in commercial passenger operations and clarifying the conditions in which the system is to be used. (RL 2017:06 R2)
Response:	<p>According to the rationale provided in the accident investigation report, the scope of the Safety Recommendation is oriented towards pilot's restraint systems.</p> <p>EASA Opinion No 01/2016 'Revision of the European operational rules for balloons' (hereinafter referred to as the 'Balloon' Opinion), stemming from EASA Rulemaking Task RMT.0674, was published on 7 January 2016. The specific objective is to establish a simpler, 'lighter' and proportionate air operations regulatory framework for balloon operations. The final deliverable, a 'Balloon Regulation', is anticipated to be published in the first quarter of 2018 (applicable from 8 April 2019). National legislation applies in the meantime.</p> <p>According to the 'Balloon' Opinion, for commercial operations, the operator will be required to identify and evaluate safety hazards entailed by their activities and manage the associated risks, and take actions to mitigate the risk and verify their effectiveness [BOP.ADD.030 (a)(3)]. The operator will be required to establish procedures and instructions for the safe operation of each balloon type, containing crew member duties and responsibilities [BOP.ADD.005 (e)]. This should include the provision and use of pilot's safety harnesses or restraints.</p> <p>In addition, the competent authority will be required to verify continued compliance with the applicable requirements of organisations from whom it has received a declaration (ARO.GEN.300 (a) of Commission Regulation (EU) No 965/2012, applicable for commercial balloon operations from 8 April 2019).</p> <p>Furthermore, according to CAT.IDE.B.120 of the current air operations regulation (Commission Regulation (EU) No 965/2012), for commercial air transport operations, balloons with a separate compartment for the commander shall be equipped with a restraint system for the commander. The 'Balloon' Opinion prescribes, in more detail, the conditions under which the restraint system is required and when it is to be used, as follows:</p> <ul style="list-style-type: none"> • The balloon shall be equipped with a restraint system for the pilot-in-command when (as in the current rule) equipped with a separate

	<p>compartment for the pilot-in-command, or (according to the Balloon Opinion) when the balloon is equipped with turning vent(s) (BOP.BAS.320). Guidance Material (GM1 BOP.BAS.320) is planned to be published in the associated Executive Director's Decision, as follows: A pilot restraint harness mounted to the basket is considered to meet the requirements of CS 31HB/CS 31GB for a restraint system.</p>
	<ul style="list-style-type: none"> • When a restraint system is required in accordance with BOP.BAS.320, the pilot-in-command shall wear the system at least during landing (BOP.BAS.175). <p>In addition, according to CS 31HB/CS 31GB.63 under Part 21 of Commission Regulation (EU) No 748/2012 (the Initial Airworthiness Regulation):</p> <p>(a) There must be a restraining means for all occupants, which can take the form of hand holds [See CS 31HB/CS 31GB.59 (h)].</p> <p>(b) For baskets having a separate pilot compartment, there must be a suitable restraint for the pilot which must meet the strength requirements of CS 31HB/CS 31GB.30. Additionally, the restraint must be designed so that:</p> <ol style="list-style-type: none"> (1) The pilot can reach all the necessary controls when the restraint is correctly worn and adjusted; (2) There is a method of quick release that is simple and obvious; and (3) The possibility of inadvertent release is minimised. <p>Effective implementation of the above-mentioned provisions is expected to provide the foundation for safe balloon operations. The Agency considers that the provision and use of pilot's safety harnesses or restraints is suitably addressed and that more detailed rules would not support the objective of the 'Balloon' Opinion, which is to provide a simpler, 'lighter' and proportionate regulatory framework for balloon operations.</p> <p>Furthermore, EASA believes that extending the requirements further on pilot's restraint systems could create additional risks, such as occupant entanglement or tripping, or restricting necessary movements by the pilot. For single compartment balloon baskets, the restraint systems required for all occupants by the Airworthiness Requirements (e.g. hand holds) provide means of restraint for all occupants, including the pilot.</p> <p>Lastly, the Agency has in place a Safety Risk Management process, which, through routine monitoring based on data analysis, aims to identify any</p>

	weaknesses in the regulatory framework, in order to take appropriate action to close any safety gaps. This will include the balloon air operations regulation once it becomes applicable.
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